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## **Huge Backlogs, Delays Feared Under Senate Immigration Plan**

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Arturo Zavala entered the United States illegally from Mexico in 1976 and picked mushrooms in Pennsylvania for a decade before he became a legal resident. But that menial labor was not the toughest part of life here.

More difficult was gaining permission for his wife, daughter and two younger sons to join him and his eldest son here. The family finally reunited in 2001, 14 years after Zavala received his green card as part of a 1986 amnesty program for illegal immigrants.

"I missed my family," he said. "I would live here nine months and go visit them three months. When I went, they were little, and by the time I saw them again, they were all grown up. My wife was like a mother and father."

The long delays for Zavala's family were among the many unintended consequences of the 1986 law, which allowed nearly 3 million immigrants to gain legal status. But illegal workers and the government may face far greater problems if pending immigration legislation passes and three times as many people -- as many as 10 million by some estimates -- are permitted to apply for legalization.

"It would be an utter meltdown," said Peggy Gleason, a senior attorney at the Catholic Legal Immigration Network. "Despite the problems, [the 1986 amnesty] was actually an enormous success. Government made this huge effort to make all these offices that were very consumer friendly. I have no idea what the government is doing right now to prepare, but back then, they thought about it hard."

Now, there are two versions of the legislation. In the House, the focus is on border security. The Senate would permit illegal immigrants who have lived in the United States for at least two years to apply for legal status; smaller legalization programs would apply to illegal farm workers and some children of illegal immigrants; and a guest-worker program would be established for as many as 200,000 people a year.

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That could overwhelm the U.S. Bureau of Citizenship and Immigration Services, which last year granted permanent residency to 1.1 million people and awarded temporary worker visas to 200,000.

Back in 1986, the numbers of illegal immigrants were far fewer than they are today, but federal agencies still had difficulty keeping up. Their backlogs grew even deeper when immigrants granted legal status exercised their rights to bring immediate relatives. Processing those applications took years, as in Zavala's case.

Zavala recalled long lines and a chaotic scene at the Lima, Pa., district office when he went to apply for amnesty in 1986. He said he felt lucky that his proof of residency and employment were accepted quickly. Many of his friends were not as lucky. Others were terrified to come forward, fearing they would be deported.

"Many of my friends were afraid to apply," he said. "By the time I told them the rumors weren't true, the deadline was up."

Of this year's debate, he said, "I hope they make it like '86. But I hope they do it quicker for their families."

Supporters of the Senate proposal note that Congress has learned some lessons from 1986. The bill would set a six-year processing window and would require participating immigrants to register within 90 days.

Citizenship and immigration bureau officials, however, said they would need much more time and more staff to register millions of applications. Director Emilio T. Gonzalez said it would take six to nine months just to register a group the size the Senate bill contemplates.

Michael Aytes, the agency's associate director for domestic operations, added: "We can't approach anything like legalization on the scale being discussed in a traditional way. We would have to grow too far, too fast."

The Senate bill would set up complex rules for how illegal immigrants can apply for legal status, depending upon how long they have been here. The legislation also says immigrants would have to prove their U.S. work history with at least two documents. Many would not have pay stubs or tax records, so the law provides for sworn affidavits from employers. The rules and use of affidavits would open the process to fraud, experts said.

"The document of choice inevitably will be an awful lot of legal statements saying, 'Yes, I employed this guy.' Well, once you move to affidavits, then you basically have next to nothing," said former Immigration and Naturalization Services commissioner Doris Meissner. "How do you design an affidavit system that has integrity?"

Skeptics of the Senate proposal cite a provision of the 1986 amnesty law that targeted agricultural workers. Congress expected 200,000 to 400,000 people to apply. Instead, 1.3 million people came forward -- twice as many people as were employed on farms in some states, according to labor statistics -- taking advantage of shorter residency requirements and low burdens of proof. Many then disappeared to take non-farming jobs. By 1989, federal officials placed nearly 400,000 applications on hold and made hundreds of arrests for fake documents. Some applicants are still in limbo.

"Legalization got a bad rap because of (the agricultural program). That was the leaky sieve. And that was because the legislation was written in a way you could drive a truck through" the regulations, said Meissner, now a senior fellow at the Migration Policy Institute.

The citizenship and immigration bureau currently faces a backlog of pending cases and security checks, as well as antiquated technology and a shortage of skilled personnel.

The Bush administration has set aside \$560 million over five years to reduce a backlog that numbered 3.8 million cases in 2003 -- there were 276,000 as of June 2006, not counting 1 million cases that await actions by applicants, other government agencies or openings in quota-based programs. The Government Accountability Office says the citizenship and immigration bureau is unlikely to meet a six-month processing target by September as it had promised.

In 2004, the agency submitted 1.9 million sets of fingerprints and 1.5 million names to the FBI, numbers that would grow tremendously if the Senate bill became law, according to the GAO. As of now, 113,000 FBI name checks have been pending more than six months, and 40,000 more than two years, officials said.

"The hidden chokepoint here is going to be the security background checks," Meissner said. "The FBI is not set up to handle the volume that the immigration agencies are generating."

In Tallahassee, Aman Kapoor, a computer programmer who is in the final stages of obtaining his green card, has been called for fingerprinting five times. "Next time if they call me, I am just going to leave my fingers there," said Kapoor, one of the founders of Immigration Voice, a group that advocates for legal immigrants. "Give me back my fingers once you are done."

New technology is supposed to help. The Senate bill would require that by October 2007 all permanent immigration documents be machine readable, fraud resistant and linked to biometric indicators, such as fingerprints, and that Homeland Security and FBI automated fingerprint systems be compatible. All U.S. employers would have to adopt an electronic system to verify the eligibility of workers within six years.

But that would be costly. The Congressional Budget Office said the Senate bill would require \$800 million to pay one-time costs for facilities and computers.

Officials hope to transform the \$2 billion-a-year, 15,000-worker citizenship and immigration bureau through new technology and the expanded use of contractors, paid for by its share of billions in new fees, Aytes said.

Homeland Security Secretary Michael Chertoff said Congress must not micromanage eligibility rules, or else even new computer systems won't be able to handle the workload. "The more documents you have . . . the more fraud you have -- that's the lesson from 1986," Chertoff said.

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